

Service Date: February 19, 1998

DEPARTMENT OF PUBLIC SERVICE REGULATION
BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MONTANA

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IN THE MATTER OF Western Wireless)	UTILITY DIVISION
Corporation's Petition for Arbitration Pursuant)	
to Section 252(b) of the Telecommunications)	DOCKET NO. D96.9.150
Act of 1996 of the Rates, Terms, and)	
Conditions of Interconnection With U S West.)	ORDER NO. 5949d

ORDER APPROVING AMENDMENT TO INTERCONNECTION AGREEMENT

Pursuant to the Arbitration Order in this Docket, Western Wireless Corporation (Western) and U S WEST Communications, Inc. (U S WEST) submitted their Montana Wireless Interconnection Agreement (Agreement) to the Montana Public Service Commission (Commission) for approval as required by § 252(e) of the Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (to be codified as amended in scattered sections of 47 U.S.C.) (the "1996 Act"). That Agreement had been renegotiated in part and arbitrated in part pursuant to § 251 of the 1996 Act and replaced the parties' previously existing agreement which did not provide for reciprocal compensation. The Commission approved the parties' new Agreement in Order No. 5949c dated February 5, 1997.

U S WEST subsequently lowered the rates for nonrecurring charges for trunk routing changes from that of charging on a per trunk basis to charging on a per trunk group basis effective with the date of the new wireless interconnection agreement, pending approval by the Commission. Western accepted the new rate by signing a "concurrence letter" provided by U S WEST to be filed with the Commission. U S WEST filed this letter and a revised attachment containing the lower non-recurring charge on December 12, 1997.

Section 252(e)(2)(A) of the 1996 Act prescribes the grounds for rejection of a negotiated agreement or portion of an agreement. The Commission may only reject such if it discriminates

against a telecommunications carrier not a party to the agreement or the implementation of such agreement or portion is not consistent with the public interest, convenience, and necessity.

The Commission concludes that the lowering of the non-recurring charge described above is consistent with the public interest, convenience, and necessity.

On its face, the amendment does not discriminate against carriers who are not parties to this agreement. However, the interconnection agreement between U S WEST and Western has been adopted by other wireless telecommunications providers operating in Montana, including CommNet Cellular, Inc., Montana Wireless, Inc., and 3 Rivers PCS, Inc. On the same day it filed the Western amendment, U S WEST filed a similar amendment to the CommNet Cellular, Inc. agreement. The agreements between Montana Wireless, Inc. and U S WEST and 3 Rivers PCS, Inc. and U S WEST were executed after Western and U S WEST agreed to the lower rate and both include the lower rate. Therefore, the Commission concludes that the amendment does not discriminate against carriers who are not parties to their agreement and should be approved.

THEREFORE, based on the foregoing, IT IS ORDERED that the first amendment to the wireless interconnection agreement between U S WEST and Western, is APPROVED.

DONE AND DATED this 17th day of February, 1998, by a vote of 4-0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION

DAVE FISHER, Chairman

NANCY MCCAFFREE, Vice Chair

BOB ANDERSON, Commissioner

BOB ROWE, Commissioner

ATTEST:

Kathlene M. Anderson
Commission Secretary

(SEAL)

NOTE: Any interested party may request the Commission to reconsider this decision. A motion to reconsider must be filed within ten (10) days. See ARM 38.2.4806.